

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHARLETTE SCHWAB  
2322 N. Jackson  
Fresno, CA 93703

Registered Nurse License No. 200454  
Public Health Nurse Certificate No. 14499

Respondent


Case No. 2007-198

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on April 13, 2008.

IT IS SO ORDERED March 13, 2008.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

ORIGINAL

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH, State Bar No. 84287  
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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-198

12 **CHARLETTE SCHWAB, R.N.**  
13 2322 N. Jackson  
14 Fresno, California 93703

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nursing License No. 200454  
Public Health Nurse Certificate No. 14499

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Sterling A. Smith, Deputy Attorney General.

25 2. Respondent Charlette Schwab, R.N. (Respondent) is represented in this  
26 proceeding by attorney Mary E. Work, whose address is 1334 Park View Avenue, Suite 100  
27 Manhattan Beach, California 90266

28 3. On or about July 31, 1969, the Board of Registered Nursing issued

1 Registered Nursing License No. 200454 to Charlette Schwab, R.N. (Respondent). The Nursing  
2 License will expire on August 31, 2009, unless renewed.

3 4. On or about December 5, 1969, the Board of Registered Nursing issued  
4 Public Health Nurse Certificate No. 14499 to Charlette Schwab, R.N. (Respondent). The  
5 Certificate will expire on August 31, 2009, unless renewed.

6 JURISDICTION

7 5. Accusation No. 2007-198 was filed before the Board of Registered  
8 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.  
9 The Accusation and all other statutorily required documents were properly served on Respondent  
10 on January 31, 2007. Respondent timely filed her Notice of Defense contesting the Accusation.  
11 A copy of Accusation No. 2007-198 is attached as exhibit A and incorporated herein by  
12 reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, discussed with counsel, and fully  
15 understands the charges and allegations in Accusation No. 2007-198. Respondent has also  
16 carefully read, discussed with counsel, and fully understands the effects of this Stipulated  
17 Settlement and Disciplinary Order.

18 7. Respondent is fully aware of her legal rights in this matter, including the  
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
20 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
21 the right to present evidence and to testify on her own behalf; the right to the issuance of  
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
23 reconsideration and court review of an adverse decision; and all other rights accorded by the  
24 California Administrative Procedure Act and other applicable laws.

25 8. Respondent voluntarily, knowingly, and intelligently waives and gives up  
26 each and every right set forth above.

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28 ///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2007-198.

4 10. Respondent agrees that her Registered Nursing License and Public Health  
5 Nursing Certificate are subject to discipline and agrees to be bound by the Board's imposition of  
6 discipline as set forth in the Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. Respondent Charlette Schwab, R.N. has held her Registered Nursing  
9 license and Public Health Nursing Certificate since 1969, but has never been the subject of any  
10 disciplinary action. She is admitting responsibility at an early stage in the proceedings and has  
11 fully cooperated.

12 Since the 2004 incident alleged in the Accusation Respondent has participated in  
13 classes in "Delivering Quality Care with Performance Improvement", "Legal Documentation"  
14 and "Prevention of Medical Errors". These classes were taken separate and apart from fulfillment  
15 of Continuing education Requirements. She also provided the Board with written materials  
16 prepared by her present and former supervisors and other personnel for Central California Blood  
17 Center and Fresno Community Hospital. These letters and other written communications attest to  
18 her superior service and skills as a registered nurse. Additional communications attesting to  
19 Respondent's dedication to nursing were provided by Respondent's family members.

20 CONTINGENCY

21 12. This stipulation shall be subject to approval by the Board. Respondent  
22 understands and agrees that counsel for Complainant and the staff of the Board may  
23 communicate directly with the Board regarding this stipulation and settlement, without notice to  
24 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
25 understands and agrees that she may not withdraw her agreement or seek to rescind the  
26 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
27 stipulation as its Decision and Order, then the Stipulated Settlement and Disciplinary Order shall  
28 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action

1 between the parties, and the Board shall not be disqualified from further action by having  
2 considered this matter.

3 OTHER MATTERS

4 13. The parties understand and agree that facsimile copies of this Stipulated  
5 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
6 force and effect as the originals.

7 DISCIPLINARY ORDER

8 In consideration of the foregoing admissions and stipulations, the parties agree  
9 that the Board may, without further notice or formal proceeding, issue and enter the following  
10 Disciplinary Order:

11 IT IS HEREBY ORDERED that Registered Nursing License No. 200454 and  
12 Public Health Nurse Certificate No. 14499 to Respondent Charlette Schwab, R.N. (Respondent)  
13 are revoked. However, the revocation is stayed and Respondent is placed on probation for three  
14 (3) years on the following terms and conditions.

15 **Severability Clause.** Each condition of probation contained herein is a separate  
16 and distinct condition. If any condition of this Order, or any application thereof, is declared  
17 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
18 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
19 and enforceable to the fullest extent permitted by law.

20 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
21 A full and detailed account of any and all violations of law shall be reported by Respondent to  
22 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
23 compliance with this condition, Respondent shall submit completed fingerprint forms and  
24 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
25 as part of the licensure application process.

26 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
27 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
28 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

1                   2.       **Comply with the Board's Probation Program.** Respondent shall fully  
2 comply with the conditions of the Probation Program established by the Board and cooperate  
3 with representatives of the Board in its monitoring and investigation of the Respondent's  
4 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
5 within no more than 15 days of any address change and shall at all times maintain an active,  
6 current license status with the Board, including during any period of suspension.

7                   Upon successful completion of probation, Respondent's license shall be fully  
8 restored.

9                   3.       **Report in Person.** Respondent, during the period of probation, shall  
10 appear in person at interviews/meetings as directed by the Board or its designated  
11 representatives.

12                  4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
13 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
14 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
15 of California. Respondent must provide written notice to the Board within 15 days of any change  
16 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
17 returning to practice in this state.

18                  Respondent shall provide a list of all states and territories where she has ever been  
19 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
20 provide information regarding the status of each license and any changes in such license status  
21 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
22 new nursing license during the term of probation.

23                  5.       **Submit Written Reports.** Respondent, during the period of probation,  
24 shall submit or cause to be submitted such written reports/declarations and verification of actions  
25 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
26 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
27 Program. Respondent shall immediately execute all release of information forms as may be  
28 required by the Board or its representatives.

1 Respondent shall provide a copy of this Decision to the nursing regulatory agency  
2 in every state and territory in which she has a registered nurse license.

3 6. **Function as a Registered Nurse.** Respondent, during the period of  
4 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
5 hours per week for 6 consecutive months or as determined by the Board.

6 For purposes of compliance with the section, "engage in the practice of registered  
7 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
8 work in any non-direct patient care position that requires licensure as a registered nurse.

9 The Board may require that advanced practice nurses engage in advanced practice  
10 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
11 Board.

12 If Respondent has not complied with this condition during the probationary term,  
13 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
14 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
15 grant an extension of Respondent's probation period up to one year without further hearing in  
16 order to comply with this condition. During the one year extension, all original conditions of  
17 probation shall apply.

18 7. **Employment Approval and Reporting Requirements.** Respondent  
19 shall obtain prior approval from the Board before commencing or continuing any employment,  
20 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
21 performance evaluations and other employment related reports as a registered nurse upon request  
22 of the Board.

23 Respondent shall provide a copy of this Decision to her employer and immediate  
24 supervisors prior to commencement of any nursing or other health care related employment.

25 In addition to the above, Respondent shall notify the Board in writing within  
26 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
27 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
28 terminated or separated, regardless of cause, from any nursing, or other health care related

1 employment with a full explanation of the circumstances surrounding the termination or  
2 separation.

3           8.     **Supervision.** Respondent shall obtain prior approval from the Board  
4 regarding Respondent's level of supervision and/or collaboration before commencing or  
5 continuing any employment as a registered nurse, or education and training that includes patient  
6 care.

7           Respondent shall practice only under the direct supervision of a registered nurse  
8 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
9 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
10 are approved.

11           Respondent's level of supervision and/or collaboration may include, but is not  
12 limited to the following:

13           (a)   Maximum - The individual providing supervision and/or collaboration is  
14 present in the patient care area or in any other work setting at all times.

15           (b)   Moderate - The individual providing supervision and/or collaboration is in  
16 the patient care unit or in any other work setting at least half the hours Respondent works.

17           (c)   Minimum - The individual providing supervision and/or collaboration has  
18 person-to-person communication with Respondent at least twice during each shift worked.

19           (d)   Home Health Care - If Respondent is approved to work in the home health  
20 care setting, the individual providing supervision and/or collaboration shall have person-to-  
21 person communication with Respondent as required by the Board each work day. Respondent  
22 shall maintain telephone or other telecommunication contact with the individual providing  
23 supervision and/or collaboration as required by the Board during each work day. The individual  
24 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
25 site visits to patients' homes visited by Respondent with or without Respondent present.

26           9.     **Employment Limitations.** Respondent shall not work for a nurse's  
27 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
28 traveling nurse, or for an in-house nursing pool.



1           Respondent shall not work for a licensed home health agency as a visiting nurse  
2 unless the registered nursing supervision and other protections for home visits have been  
3 approved by the Board. Respondent shall not work in any other registered nursing occupation  
4 where home visits are required.

5           Respondent shall not work in any health care setting as a supervisor of registered  
6 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
7 nurses and/or unlicensed assistive personnel on a case-by-case basis.

8           Respondent shall not work as a faculty member in an approved school of nursing  
9 or as an instructor in a Board approved continuing education program.

10          Respondent shall work only on a regularly assigned, identified and predetermined  
11 worksite(s) and shall not work in a float capacity.

12          If Respondent is working or intends to work in excess of 40 hours per week, the  
13 Board may request documentation to determine whether there should be restrictions on the hours  
14 of work.

15          10.   **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
16 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
17 than six months prior to the end of her probationary term.

18          Respondent shall obtain prior approval from the Board before enrolling in the  
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
20 completion for the above required course(s). The Board shall return the original documents to  
21 Respondent after photocopying them for its records.

22          11.   **Cost Recovery.** Respondent shall pay to the Board costs associated with  
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
24 amount of \$4,666.50. Respondent shall be permitted to pay these costs in a payment plan  
25 approved by the Board, with payments to be completed no later than three months prior to the  
26 end of the probation term.

27          If Respondent has not complied with this condition during the probationary term,  
28 and Respondent has presented sufficient documentation of her good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
2 grant an extension of Respondent's probation period up to one year without further hearing in  
3 order to comply with this condition. During the one year extension, all original conditions of  
4 probation will apply.

5           12.     **Violation of Probation.** If Respondent violates the conditions of her  
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
7 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
8 license.

9           If during the period of probation, an accusation or petition to revoke probation has  
10 been filed against Respondent's license or the Attorney General's Office has been requested to  
11 prepare an accusation or petition to revoke probation against Respondent's license, the  
12 probationary period shall automatically be extended and shall not expire until the accusation or  
13 petition has been acted upon by the Board.

14           13.     **License Surrender.** During Respondent's term of probation, if she ceases  
15 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
16 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
17 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
18 take any other action deemed appropriate and reasonable under the circumstances, without  
19 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
20 will no longer be subject to the conditions of probation.

21           Surrender of Respondent's license shall be considered a disciplinary action and  
22 shall become a part of Respondent's license history with the Board. A registered nurse whose  
23 license has been surrendered may petition the Board for reinstatement no sooner than the  
24 following minimum periods from the effective date of the disciplinary decision:

- 25           (1)     Two years for reinstatement of a license that was surrendered for any  
26 reason other than a mental or physical illness; or  
27           (2)     One year for a license surrendered for a mental or physical illness.

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ACCEPTANCE

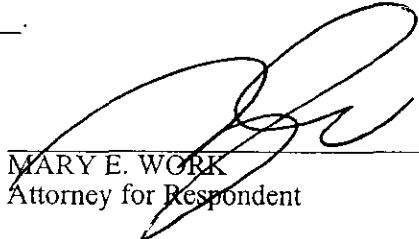
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Mary E. Work. I understand the stipulation and the effect it will have on my Registered Nursing License and Public Health Nurse Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11/02/07

  
CHARLETTE SCHWAB, R.N.  
Respondent

I have read and fully discussed with Respondent Charlette Schwab, R.N. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/13/07

  
MARY E. WORK  
Attorney for Respondent

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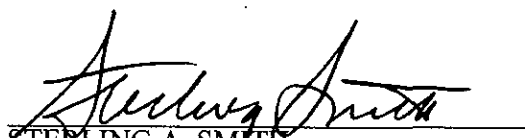
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: November 16, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California

  
STERLING A. SMITH  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**  
**Accusation No. 2007-198**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ARTHUR TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH, State Bar No. 84287  
Deputy Attorney General  
4 California Department of Justice  
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6 Telephone: (916) 445-0378  
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7

8 Attorneys for Complainant  
9

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:  
13

Case No. 2007-198

14 **CHARLETTE MOLLIE SCHWAB**  
2322 N. Jackson  
15 Fresno, California 93703

**A C C U S A T I O N**

16 Registered Nurse License No. 200454  
Public Health Nurse Certificate No. 14499

17 Respondent.  
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:  
20

**PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about July 31, 1969, the Board of Registered Nursing issued  
25 Registered Nurse License Number 200454 ("license") to Charlette Mollie Schwab  
26 ("Respondent"). The registered nurse license was in full force and effect at all times relevant to  
27 the charges brought herein and will expire on August 31, 2007, unless renewed.

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1                   **Public Health Nurse**

2                   3.       On or about December 5, 1969, the Board of Registered Nursing issued  
3       Public Health Nurse Certificate Number 14499 ("certificate") to Respondent. The certificate was  
4       in full force and effect at all times relevant to the charges brought herein and will expire on  
5       August 31, 2007, unless renewed.

6                                   **STATUTORY PROVISIONS**

7                   4.       Section 2750 of the Business and Professions Code ("Code") provides, in  
8       pertinent part, that the Board may discipline any licensee, including a licensee holding a  
9       temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
10      2750) of the Nursing Practice Act.

11                  5.       Code section 2764 provides, in pertinent part, that the expiration of a  
12      license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
13      against the licensee or to render a decision imposing discipline on the license. Under Code  
14      section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
15      years after the expiration.

16                  6.       Code section 2761 states, in pertinent part:

17                         The board may take disciplinary action against a certified or licensed nurse  
18                         or deny an application for a certificate or license for any of the following:

19                         (a) Unprofessional conduct, which includes, but is not limited to, the  
20                         following:

21                                 (1) Incompetence, or gross negligence in carrying out usual certified or  
22                                 licensed nursing functions.

23                                   **REGULATORY PROVISIONS**

24                  7.       California Code of Regulations, title 16, section ("Regulation") 1442  
25      states:

26                         As used in Section 2761 of the code, 'gross negligence' includes an  
27                         extreme departure from the standard of care which, under similar circumstances,  
28                         would have ordinarily been exercised by a competent registered nurse. Such an  
                              extreme departure means the repeated failure to provide nursing care as required  
                              or failure to provide care or to exercise ordinary precaution in a single situation  
                              which the nurse knew, or should have known, could have jeopardized the client's  
                              health or life.

1                   8.     Regulation 1443, states:

2                   As used in Section 2761 of the code, 'incompetence' means the lack of  
3 possession of or the failure to exercise that degree of learning, skill, care and  
4 experience ordinarily possessed and exercised by a competent registered nurse as  
5 described in Section 1443.5.

6                                   **COST RECOVERY**

7                   9.     Code section 125.3 provides, in pertinent part, that the Board may request  
8 the administrative law judge to direct a licensee found to have committed a violation or  
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
10 and enforcement of the case.

11                                   **FIRST CAUSE FOR DISCIPLINE**

12                                   **(Gross Negligence)**

13                   10.    Respondent is subject to disciplinary action pursuant to Code section  
14 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 2,  
15 2004, while on duty as a registered nurse at Madera Community Hospital, Madera, California,  
16 Respondent committed acts constituting gross negligence in her care of patient M.C., as defined  
17 in California Code of Regulations, title 16, section 1442, in the following respects:

18                   a.     Respondent failed to take the time to accurately read and interpret the  
19 physician's orders for patient M.C.

20                   b.     Respondent failed to interpret laboratory test results as normal, which  
21 would indicate the patient was not in need of a blood transfusion.

22                   c.     Respondent administered a blood transfusion to patient M.C. when there  
23 was no physician's order to do so.

24                   d.     Respondent failed to document the patient's record with pertinent  
25 information regarding the administration of the blood transfusion.

26                                   **SECOND CAUSE FOR DISCIPLINE**

27                                   **(Incompetence)**

28                   11.    Respondent is subject to disciplinary action pursuant to Code section  
2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about May 2,



1 2004, while on duty as a registered nurse at Madera Community Hospital, Madera, California,  
2 Respondent committed acts constituting incompetence in her care of patient M.C., as defined in  
3 California Code of Regulations, title 16, section 1443, in the following respects:

4 a. Respondent failed to take the time to accurately read and interpret the  
5 physician's orders for patient M.C.

6 b. Respondent failed to interpret laboratory test results as normal, which  
7 would indicate the patient was not in need of a blood transmission.

8 c. Respondent administered a blood transfusion to patient M.C. when there  
9 was no physician's order to do so.

10 d. Respondent failed to document the patient's record with pertinent  
11 information regarding the administration of the blood transfusion.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 12. Respondent is subject to disciplinary action pursuant Code section 2761,  
15 subdivision (a), on the grounds of unprofessional conduct, as set forth in paragraphs 10 and 11,  
16 above.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 200454, issued  
21 to Charlette Mollie Schwab;

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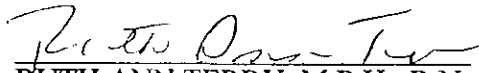
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1                   2.       Ordering Charlette Mollie Schwab to pay the Board of Registered Nursing  
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
3 125.3; and,

4                   3.       Taking such other and further action as deemed necessary and proper.  
5

6 DATED: 1/22/07  
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9   
10 RUTH ANN TERRY, M.P.H., R.N.  
11 Executive Officer  
12 Board of Registered Nursing  
13 Department of Consumer Affairs  
14 State of California  
15 Complainant  
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ps (11/15/06)